

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Feb 09, 2016

SEAN F. MCAVOY, CLERK

BEAU CHARLTON GARDEE

(Name of Plaintiff)

vs.

CIVIL RIGHTS COMPLAINT
BY A PRISONER UNDER 42
U.S.C. § 1983

WASHINGTON STATE PATROL, ET AL

RANDY GARCIA # 595

2:15-CV-338-JTR

(Names of ALL Defendants)

I. **Previous Lawsuits**

A. Have you brought any other lawsuits in any federal court in the United States while a prisoner? ☒ Yes ☐ No

B. If your answer to A is yes, how many? 1 Describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff: BEAU CHARLTON GARDEE

Defendants: WASHINGTON STATE PATROL, ET AL
RANDY GARCIA # 595

RECEIVED

DEC 08 2015

CLERK, U.S. DISTRICT COURT
SPOKANE, WA

2. Court (give name of District): EASTERN DISTRICT OF WASHINGTON
3. Docket Number: 1:14-CV-03134-RMP
4. Name of judge to whom case was assigned: ROSANNA MALOUF PETERSON
5. Disposition (For example: Was the case dismissed as frivolous or for failure to state a claim? Was it appealed? Is it still pending?):

VOLUNTARY DISMISSAL

6. Approximate date of filing lawsuit: 10-29-14
7. Approximate date of disposition: 12-05-14

II Place of Present Confinement: MONROE CORRECTION COMPLEX

- A. Is there a prisoner grievance procedure available at this institution? ☒ Yes ☐ No
- B. Have you filed any grievances concerning the facts relating to this complaint?
☐ Yes ☒ No

If your answer is NO, explain why not: I FILED GRIEVANCE WHEN
HOUSE AT YAKIMA COUNTY JAIL

- C. Is the grievance process completed? NOTHEY DID NOT RESPOND ☐ Yes ☒ No
- D. Have you sought other informal or formal relief from the proper administrative officials regarding the acts alleged in this complaint? ☒ Yes ☐ No

If your answer is NO, explain why not: FILED COMPLAINT, AS NOTED ABOVE
1:14-CV-03134-RMP

III Parties to this Complaint

- A. Name of Plaintiff: BEAU CHARLTON GARDEE Inmate No.: 850467
- Address: 16550 177th AVE SE, MONROE WA 98272

(In Item B below, place the full name of the defendant, his/her official position, and his/her place of employment. Use Item C for the names, positions and places of employment of any additional defendants. Attach additional sheets if necessary.)

"Statement of Claim"

On the early morning of April 20, 2014, at approximately 0147hrs, I Beau Charlton Gardee, an enrolled member of the Yakima Nation, encountered Washington State Trooper Randy Garcia when he pulled me over on Campbell Rd., an improved earth surface road within the boundaries of the Yakima Nation Reservation according to the U.S. Department of Interior and Bureau of Indian Affairs. Although Campbell Rd. is a public road, it falls under the jurisdiction of the Yakima Nation; Trooper Garcia lacks authority in the jurisdiction of the Yakima Nation to cite me as I have a right to travel upon the systematic/highway/public roads according to the treaty of 1855; article 3 of the Yakima Nation. His authority ended as soon as I identified myself as Beau Charlton Gardee, an enrolled member of the Yakima Nation, in which he acknowledged knowing who I was.

I, Beau Charlton Gardee, encountered an approaching vehicle that was travelling southbound on Campbell Rd. with their highbeam headlights turned on. As this vehicle came within approximately 500 yards, I intitiated a form of communication to let them know their lights were blinding me by flicking my own lights from low to high and back to lowbeams. This type of communication is suggested and advised according to the Washington State Department of Licensing via their DOL/CDL manual, because I have a right to do so with my First Amendment to communitive free speech. In passing the oncoming vehicle, it did not decrease its headlights, and as it passed, I noticed it to be a fully marked patrol vehicle.

After pasing the patrol vehicle, the trooper, later identified as Washington State Trooper Randy Garcia, made a U-Turn at the corner of Campbell Rd. and Aster Ln. and proceeded northbound behind me. As I observed this, the patrol car then initiated its light bar to signal a stop.

I pulled into residence @ 781 Campbell Rd., still within the boundaries of the Yakima Nation. I exited the vehicle I was driving and observed Trooper Garcia also exit his patrol car and proceed towards the rear of my car.

As I encountered Trooper Garcia, he asked me to step towards his patrol vehicle and that is when I identified myself as Beau Charlton Gardee, an enrolled member of the Yakima Nation. Trooper Garcia then acknowledged that he knew who I was.

I asked Trooper Garcia what the problem was and he stated that he pulled me over because I flashed my highbeams at him. I told him that they teach people to do this in drivers education and at the Department of Licensing when you go to get your license as a form of communication to other drivers, and I was communicating to him that his highbeams were blinding me. He stated that flashing my lights was illegal in the state of Washington under RCW 46.37.230, failure to dim lights. I told him that my lights were dimmed until his highbeams were blinding me, and I used my First Amendment Right of communitive speech and flicked my beams from low to high and back again to let him know his lights were blinding me.

Furthermore, Trooper Randy Garcia's conduct was unprofessional when he failed to contact the Yakima Nation authorities when dealing with an enrolled member of their allotted lands under the jurisdiction of tribal law and due process.

Trooper Garcia further violated my rights to privacy as he began to conduct a search of the vehicle I was driving without probable cause, my consent, nor the consent of the vehicle's registered owner. As Trooper Garcia

proceeded to conduct an illegal search, he found a .44 magnum Smith & Wesson revolver. He then asked me about the firearm and I told him that I had no knowledge of it being in the car, that the car is barrowed. It was at this point in time that Trooper Garcia asked me to come back to his patrol car and I made the unconcious decision to run because I am a felon and know that I can not be around any firearms.

I was never arrested on April 20, 2014. I was arrested on May 9, 2014 for an unrelated crime that was dismissed due to lack of jurisdiction for adjudication of a tribal member while on their allotted lands under Washington Supreme Court ruling State v. Shale, No:90906-7. After the May 9, 2014 arrest, I was served a warrant on May 10th for the April 20, 2014 offense, but was never cited for the alledged probable cause.

V. Relief

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

DECLARATORY & INJUNCTIVE RELIEF FOR RIGHTS VIOLATIONS, COMPENSATORY
& PUNITIVE MONETARY RELIEF IN AN AMOUNT MAXIMUM) TO BE DETERMINED
BY A JURY "IN CALCULATION FROM 5-10-14 - 5-12-15"

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 3rd day of December, 20 15.

Beau Charlton Isardie
(Signature of Plaintiff)

~~Washington State Patrol~~
Yakima County Department of Corrections — 7082
Inmate Grievance Form

Inmate: Read and follow the instructions and rules on the back of this form. This form may be turned into any ~~YCDOC~~ staff member.

^{WSP}
 Inmate name (Write your full name: last, middle and first) GARDEE, CHARLTON BEAU Date 9-8-14

Booking # #003732 Housing location 2M

Grievance:

On April 20, 2014 in Wapato Washington at 1:47 AM I was pulled over on tribal land by Washington State Patrol. The officer stated the reason for pulling me over was that I flashed from low beams, to high beams, back to low. This actually violates my constitutional right under the bill of rights, and under a US district judges ruling that motorists have a US constitutional right to flash other drivers when there hazards, speed bumps, ect. its an optional change of a horn in the event of deaf people State V ELLI NO: 4; 13CV711 HEA I flashed the officer because it appeared his high beams were on.

I swear or affirm under penalty of perjury that this grievance is true and correct.

X Beau Gardee Inmate signature Date 9-8-14

Receiving staff member:

Print name and number Date

Inmate Grievance

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